

## REMARKS/ARGUMENTS

Prior to the amendments presented herewith, claims 8-17, 19, 20, 22-25, 27, 38, 52-54, 56 and 111 were pending. Claims 10-13 and 38 are being amended. Claims 1-7, 18, 20, 21, 26, 28-37, 39-51, 55 and 57-110 have been cancelled. New claims 112-114 are being added. Support for new claims 112-114 can be found, for example, in the specification at paragraphs [0114]–[0116], [0153], [0199], [0200], [0224] and [242]. Accordingly, after the present amendments have been entered, claims 8-17, 19, 22-25, 27, 38, 52-54, 56 and 111-114 will be pending.

### 1. Information Disclosure Statements

Applicants thank the Examiner for acknowledging the previously filed Information Disclosure Statements.

Applicants note that two further Information Disclosure Statements were filed on 4/5/2007 and 7/5/2007, after the mailing date of the present Office Action.

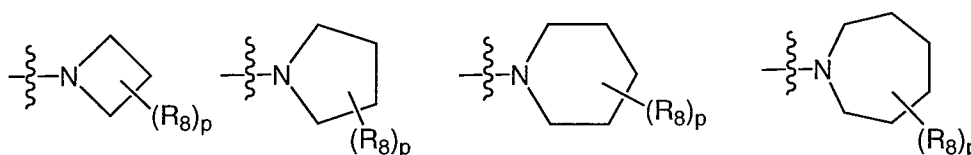
### 2. Election/Restriction

In the Office Action, the Examiner indicates that the claims are drawn to multiple inventions apparently because reference to compounds wherein Q is SO or SO<sub>2</sub> relates to non-elected subject matter. Solely in order to advance prosecution of the present application, the claims are being amended to remove reference to subject matter wherein Q is SO or SO<sub>2</sub>.

### 3. Claim Rejections Under 35 USC §102

Claims 8, 9, 11-17, 19, 22, 23, 25, 27 and 38 are rejected as allegedly being anticipated by Kesarwani *et al.*, Shimada *et al.*, Abdel-Fattah *et al.*, Barnela *et al.*, Soliman *et al.*, Rudolf *et al.* and/or Sammour *et al.* The claims are being amended to recite that:

- (a) R<sub>m</sub> has at least one non-hydrogen substituent at a 2 or 3 position of the ring;
- (b) R<sub>2</sub> is selected from the group consisting of



wherein at least one  $R_8$  is a primary, secondary or tertiary amine; **and/or**  
(c) at least one of K and L is  $CR_{12}$  where  $R_{12}$  is not hydrogen.

Since none of the cited references teach or suggest the presently claimed compounds, the rejection of claims 8, 9, 11-17, 19, 22, 23, 25, 27 and 38 under 35 USC §102 is believed to be overcome and should be withdrawn.

#### **4. Claim Rejections Under 35 USC §112**

Claims 8-17, 19, 20, 22-25, 27, 38, 52-54, 56 and 111 are rejected as allegedly being indefinite. With respect to the terms “aldehyde”, “amide”, “ester”, “iminoketone” and “ketone,” Applicants respectfully submit that those skilled in the art would readily understand that these terms, when used as part of a Markush group to describe possible substituents, refer to radicals derived from aldehydes, amides, esters, iminoketones and ketones. However, solely for the purpose of advancing prosecution of the present application, claim 38 is being amended to recite that the substituents include “monovalent radicals derived from aldehydes, amides, esters, iminoketones and ketones.” With respect to the term “oxo,” inclusion of radicals derived from aldehydes and ketones obviates the need for the term “oxo” in the list of possible substituents. Accordingly, claim 38 is also being amended to delete reference to oxo in the Markush groups. In light of the foregoing, the rejection under 35 USC §112 is believed to be overcome and the rejection should be withdrawn.

#### **5. Double Patenting**

The Examiner has provisionally rejected claims 8-17, 19, 20, 22-25, 27, 38, 52-54, 56 and 111 under the doctrine of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 3-5, 19-21, 23, 26-31, 33, 36, 42-43 and 55-61 of copending Application No. 10/809,636. Since the rejection is provisional, Applicants intend to address the rejection when one or both of the applications are otherwise in condition for allowance.


### CONCLUSION

Applicants earnestly believe that they are entitled to a letters patent, and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,

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